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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,217	06/05/2001	Koichi Toyoda	040373/0304	4020
22428	7590	02/15/2006	EXAMINER	
FOLEY AND LARDNER LLP			VAN DOREN, BETH	
SUITE 500				
3000 K STREET NW			ART UNIT	
WASHINGTON, DC 20007			PAPER NUMBER	
			3623	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/873,217	TOYODA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a Final office action in response to communications received on 12/01/2005. Claims 1, 2, 5-8, and 16 have been amended. Claims 13-15 have been cancelled. Claims 1-12 and 16 are now pending.

#### ***Response to Amendment***

2. Applicant's amendment to claim 1 is sufficient to overcome the 35 USC § 112, second paragraph, rejection set forth in the previous office action.

3. Applicant's amendment to claim 16 is not sufficient to overcome the 35 USC § 101 rejections set forth in the previous office action. Therefore, new grounds for the 35 USC § 101 rejection of claim 16 have been asserted below, as necessitated by amendment.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 16 recites a storage medium having a data structure and capable of performing information management, the storage medium comprising executable code. Examiner points out that a storage medium with non-executing program code is software per se, which is not statutory subject matter. Therefore, it is respectfully submitted that the claim 16 is directed towards non-statutory subject matter. Examiner suggests claim language such "A computer readable storage medium having a data structure and performing temporary information management, comprising" and "a program executing by".

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-8, 10-12, and 16 rejected under 35 U.S.C. 102(e) as being anticipated by Arrowood (U.S. 2002/0010614).

7. As per claim 1, Arrowood teaches a temporary worker information management system comprising a network, a dispatching terminal connected to the network, a job offer terminal connected to the network, connected to the network, and a dispatching information server connected to the network,

said dispatching terminal comprising:

means for transmitting dispatchable temporary worker information representing the number of dispatchable temporary workers, a skill thereof, and a dispatchable period, which have been entered, to said dispatching information server when a dispatchable temporary worker availability request occurs in an organization (See paragraphs 0014, 0061, 0063-4, 0109-0115, wherein the employee information is stored in the system (i.e. skills, ratings, etc.) and the client transmits information concerning the need for temporary worker(s), including the number of workers, the skills of the workers, the duration, etc);

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means for displaying job offer information representing the desired number of dispatched temporary workers, a desired skill thereof, and a desired dispatching period, transmitted from said dispatching information server (See figures 21-2, wherein the information is displayed);

said job offer terminal comprising:

means for transmitting job offer information representing the number of temporary workers desired to be dispatched, a skill thereof, and a desired dispatching period, which have been entered, to said dispatching information server when a request for a temporary worker occurs (See figures 21-22, paragraphs 0014, 0109-0115, wherein the request is transmitted over the network); and

means for displaying dispatchable temporary worker information transmitted from said dispatching information server (See figures 21-22, paragraphs 0014, 0109-0116, and 0121, wherein temporary worker information is displayed);

said dispatching information server comprising:

means for registering dispatchable temporary worker information transmitted from said dispatching terminal (See paragraphs 0014, 0064, 0067, 0110-5, wherein the worker information is registered and stored);

means for registering job offer information transmitted from said job offer terminal (See paragraphs 0061, 0063, 0112-0113, wherein the job offer information is registered with the system and stored);

means for searching job offer information registered therein when dispatchable temporary worker information is transmitted from said dispatching terminal, and, if there is job offer information that matches said dispatchable temporary worker information, transmitting said

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dispatchable temporary worker information to said job offer terminal which has registered the matching job offer information (See paragraphs 0014, 0016, 0110-2, wherein a search occurs using the databases of the system); and

means for searching dispatchable temporary worker information registered therein when job offer information is transmitted from said job offer terminal, and, if there is dispatchable temporary worker information that matches said job offer information, transmitting the matching dispatchable temporary worker information to said job offer terminal (See paragraphs 0014, 0016, 0110-2, wherein a search occurs using the databases of the system); and

means for transmitting evaluation information of a particular dispatchable temporary worker as output by said job offer terminal and as received by said dispatching information server, and to update the dispatchable temporary worker information for the particular dispatchable temporary worker as stored in a memory which also store the dispatchable temporary worker information transmitted from said dispatching terminal (See paragraphs 0017, 0055, 0062, 0064, 0075-6, 0095, 0122-3, which discuss different types of evaluation information maintained in the system, this evaluation information transmitted and viewable as output. See also paragraphs 0014, 0017, 0141-2, which discloses updating employee information).

8. As per claim 2, Arrowood teaches said dispatching information server comprising means for authenticating the user based on the registered user information when said dispatching information server is logged in (See paragraphs 0066-0071, 0141-2, wherein the user is authenticated), and

wherein the evaluation information is provided along with the dispatchable temporary worker information to subsequent job offer information requests output from said job offer

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terminal (See paragraphs 0062, 0064, 0075-6, 0095, 0122-3, which discloses the evaluation information being provided to the client for a subsequent job request).

9. As per claim 4, Arrowood teaches wherein said dispatching terminal, said job offer terminal, and said dispatching information server are installed in a company or companies which cooperate with each other (See paragraphs 0014-5, 0049, 0067-70, 0099-0101, 0115-0116, 0119, wherein the terminals are installed in a company or companies that cooperates).

10. As per claim 5, Arrowood et al. teaches wherein said job offer terminal further comprises: means for transmitting an entered evaluation report on an evaluation of the skill of a dispatched temporary worker to said dispatching information server;

means for transmitting an entered dispatching contract evaluation information referring request to said dispatching information server (See paragraphs 0062-4, 0075-7, 0095, 0099-101, 0122, 0126, wherein evaluation information is entered and transmitted);

means for displaying dispatching contract evaluation information transmitted from said dispatching information server (See figures 23-25, 27, 30-31, which displays evaluation information);

wherein said dispatching terminal further comprises:

means for transmitting an entered dispatching contract evaluation information referring request to said dispatching information server (See paragraphs 0062-4, 0075-7, 0095, 0099-101, 0122, 0126, wherein evaluation information is entered and transmitted);

means for displaying dispatching contract evaluation information transmitted from said dispatching information server (See figures 23-25, 27, 30-31, which displays evaluation information); and

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wherein said dispatching information server further comprises:

means for generating dispatching contract evaluation information which reflects details of an evaluation report transmitted from said job offer terminal, registering the generated dispatching contract evaluation information therein, and transmitting the generated dispatching contract evaluation information to said dispatching terminal (See paragraphs 0062-4, 0075-7, 0095, 0099-101, 0122, 0126, wherein information is generated that details the evaluation reports. See also figures 23-25, 27, 30-31); and

means responsive to dispatching contract evaluation information referring requests transmitted from said dispatching terminal and said job offer terminal, for transmitting dispatching contract evaluation information registered in said dispatching information server to said dispatching terminal and said job offer terminal (See paragraphs 0062-4, 0075-7, 0095, 0099-101, 0122, 0126, wherein information is generated that details the evaluation reports. See also figures 23-25, 27, 30-31); and

means for transmitting evaluation information of a particular dispatchable temporary worker as output by said job offer terminal and as received by said dispatching information server, and to update the dispatchable temporary worker information for the particular dispatchable temporary worker as stored in a memory which also store the dispatchable temporary worker information transmitted from said dispatching terminal (See paragraphs 0017, 0055, 0062, 0064, 0075-6, 0095, 0122-3, which discuss different types of evaluation information maintained in the system, this evaluation information transmitted and viewable as output. See also paragraphs 0014, 0017, 0141-2, which discloses updating employee information).



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11. As per claim 6, Arrowood teaches wherein said dispatching information server comprises means for registering user information of a user of the temporary worker information management system in advance, and authenticating the user based on the registered user information when said dispatching information server is logged in (See paragraphs 0064, 0066-0071, 0141-2, wherein the user is registered and authenticated).

wherein the evaluation information is provided along with the dispatchable temporary worker information to subsequent job offer information requests output from said job offer terminal (See paragraphs 0062, 0064, 0075-6, 0095, 0122-3, which discloses the evaluation information being provided to the client for a subsequent job request).

12. Claims 7-8, 10-12, and 16 recite equivalent limitations to claims 1-2, 4-6, and 1, respectively, and therefore rejected using the same art and rationale as applied above.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arrowood (U.S. 2002/0010614).

As per claims 3 and 9, Arrowood teaches each of a temporary worker dispatcher and a temporary worker recipient that are each members of an online system (See paragraphs 0014, 0066-0071, 0141-2). However, Arrowood does not expressly disclose that the members pay a

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fixed membership fee and a predetermined ratio of a dispatching cost to an administrator of this system.

Arrowood discloses a system by which a client (i.e. company needing a temporary employee) may request and search for a temporary employee, the temporary employee and the client both registered with the system. It is old and well known to require fee for service. It would have been obvious to one of ordinary skill in the art at the time of the invention to charge both the client and the temporary employee for their user accounts maintained by the system as well as the services the system provides in order to more efficiently support the operations of the system and also provide an element of quality control as only serious users will utilize the system.

#### ***Response to Arguments***

15. Applicant's arguments with respect the rejections based on Arrowood (U.S. 2002/0010614) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that Arrowood does not teach or suggest (1) checking previous job offer information requests made by prospective employers (whereby those job offer information request could not be filled based on the current list of temporary workers stored in the system) when a new dispatchable temporary worker is registered in the system, (2) "means for transmitting evaluation information of a particular dispatchable temporary worker as output by said job offer terminal and as received by said dispatching information server, and to update the dispatchable temporary worker information for the particular dispatchable temporary worker as stored in a memory which also store the dispatchable temporary worker information transmitted from said dispatching terminal", or (3) "wherein the evaluation information is provided along

with the dispatchable temporary worker information to subsequent job offer information requests output from said job offer terminal”.

In response to argument (1), it is noted that the feature upon which applicant relies (i.e., checking previous job offer information requests made by prospective employers (whereby those job offer information request could not be filled based on the current list of temporary workers stored in the system) when a new dispatchable temporary worker is registered in the system) is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to argument (2), Examiner respectfully disagrees. Evaluation information associated with a temporary worker is output and received in the system. See paragraphs 0017, 0055, 0062, 0064, 0075-6, 0095, 0122-3. This information, as well as other temporary worker information, is updateable. See also paragraphs 0014, 0017, 0141-2.

In response to argument (3), Examiner respectfully disagrees. When a client wants to rehire a temporary worker for a subsequent job request, the evaluation information is provided to the client along with the dispatchable temporary worker information. Other clients may also view this information for subsequent jobs offered to the worker (i.e. subsequent to the job for which he/she was evaluated). See paragraphs 0062, 0064, 0075-6, 0095, 0122-3.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



bvd

February 13, 2006



TARIQ A. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600